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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/096,939	06/12/98	KULT G	CDR-97-031

TM11/1013

TECHNOLOGY LAW DEPARTMENT
MCI COMMUNICATIONS CORPORATION
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EXAMINER	
BARNIE,R	
ART UNIT	**PAPER NUMBER**
2643	5

DATE MAILED: 10/13/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.	Applicant(s)
09/096,939	KULT ET AL.
Examiner	**Group Art Unit**
REXFORD BARNIE	2643

☒ Responsive to communication(s) filed on *Jul 28, 2000*

☒ This action is **FINAL.**

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire *3* month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claim

☒ Claim(s) *1-20* is/are pending in the applicat

Of the above, claim(s) _____ is/are withdrawn from consideration

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) *1-20* is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☒ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

DETAILED ACTION

Claim Objections

1. Claim 1 is objected to because of the following informalities: claim 1 line 13 recites "a switch ***resource resource*** manager". Claim 11 recites a IPC, a term not well known in the art. Appropriate correction is required.

Claim Rejections - 35 U.S.C. § 112

2. Claim 5 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Independent claim 1 recites one of a plurality of service resource managers including a switch controller resource manager, switch resource manager, a service logic manager and so forth whereas claim 5 recites a combination of a plurality thus creating a contradiction. Thus, for examination purpose, it would be treated as one or the other.

Claim Rejections - 35 U.S.C. § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless --
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

4. Claims 1-8, 10-11, 15-16, and 18-19 are rejected under 35 U.S.C. 102(e) as being anticipated by Sofman (US Pat# 5,937,042).

Regarding claims 1 and 3, Sofman teaches a method and system for rehome optimization comprising of moving incoming call traffic from one switching center to another switching center based on the traffic capacity or network status to avoid an overload which by definition is what *rehoming* is. Sofman teaches a communication system such as a switch, minicomputer, PC, and so forth with a hardware configuration in *(see column 5 line 60-column 7 line 11 and fig. 3)* comprising of processor (204), and resource management means *(see column* 7 lines 7-8 and 23-24) which can be used stored with data storage means.

According *to (column 5 lines 61-column 6 line 21)*, the data processing system as defined in *(see fig. 3)* with its processor (204) controls interaction with internal components (memory, keyboard and so forth) and external components which could include other data processing system or a network via interface means/cards *(see column 6 lines 5-11).* According to *(column 7, column 12 lines 48-50, column 13),* the user has the ability to select individual rehome circuit group (***switch resources)*** which are to participate in rehome optimization. Sofman teaches in (see column 2 lines 1-5) that data characterizing the ***current state*** of network ***resources*** including *traffic throughput and resource availability* is collected by a data granulator which according to (see *column 18 lines 25-31*, column 20, figs. 24, 27-31) can be formatted in a plurality of tables. Sofman teaches a plurality of programs in conjunction with processor within a network data (102) which can perform different functionalities.

Regarding claims 2 and 8, see the explanation as set forth in the rejection of claim 1. The claimed method steps are rejected for the same reasons as set forth in the rejection of claim 1. Furthermore, Sofman teaches in (fig. 1 and fig. 2A-2B) a rehoming optimizer querying databases for more information which can later be characterized into a table.

Regarding claims 4-5 and 18, see the explanation as set forth in the rejection of claims 1 and 2.

Regarding claims 6-7, Sofman teaches in (column 13, column 14 lines 1-30, lines 62-column 15 line 8 and column 16) updating displayed information.

Regarding claims 10 and 18-19, Sofman teaches the possibility of the data processing system (see fig. 3) being a switch computer, minicomputer and so forth with a memory segment which can be used into configuring desired attributes.

Regarding claim 11, Sofman teaches taking traffic measurements or statistics(see fig. 23-25 and 27-31) or setting up distance attributes (see entire disclosure).

Regarding claims 15-16, Sofman teaches in (column 13) that a group entry can be created/deleted or editing data in a row cell (see column 14 lines 11-15).

Claim Rejections - 35 U.S.C. § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sofman in view of Taylor et al. (US Pat# 5,912,961).

Regarding claim 9, Sofman fails to teach the claimed subject matter but Taylor teaches an intelligent communications network in (see fig. 1) with a plurality of resources to manage a communication system wherein a blocking semaphore can be increased in an application program type (see column 7 lines 17-40). Therefore, it would have been obvious to one of Taylor into that of Sofman thus making it possible to send an instruction to cause an application to be blocked ready for a next call (see column 7 lines 17-40) which by definition is what a semaphore does ie to prevent interference with a program when in use.

7. Claims 12-14 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sofman (US Pat# 5,937,042) in view of Gottlieb (US Pat# 5,920,621).

Regarding claims 12 and 14, Sofman fails to teach creating an agent entry via an application interface means and a heartbeat message but Gottlieb teaches an automatic call teaches in (see entire disclosure) updating the status of call agents as being available or busy (see column 2) and receiving heartbeat messages (see column 9 lines 51-56). Therefore, it would have

been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Gottlieb into that of Sofman thus making it possible to route incoming calls through network resources or to agents based on availability of resources.

Regarding claim 17, The combination teaches in (*column 5 lines 20-22 of Gottlieb*) that a DAP can through call processing instructions block a call if it is unauthorized.

8. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sofman in view of Reto et al. (US Pat# 5,825,857).

Regarding claim 20, Sofman fails to teach the claimed subject matter but Reto teaches a method and system for calling card validation hubbing comprising of storing call detail record (see fig. 11c) comprising of call origination ID, call start time, call duration, estimated call charge and so forth.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Reto into that of Sofman thus making it possible to generate a billing record for toll calls based on the stored call detail parameters.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

4. Any inquiry concerning this communication or earlier communication from the examiner should be directed to REXFORD BARNIE whose telephone number is (703) 306-2744. The examiner can normally be reached on Monday through Friday from 8:30 to 6:00p:m

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz, can be reached on (703) 305-4708. The **informal fax number** (Draft or Proposed /**formal fax number** for the group is (703) 308-9051 or 308-9052. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the group receptionist whose telephone number is (703) 305-3900. **R.B. 10/06/00.**

Duc nguyen
Primary Examiner
Art Unit 2643